

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. FRANCIS LEE DUBRAY, Defendant.	1:23-CR-10032-2-CBK ORDER
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Defendant was convicted by a jury on October 24, 2024, of first-degree burglary and two counts of assault with a dangerous weapon. He is scheduled to be sentenced on June 25, 2025. Defendant has filed a *pro se* motion for judgment of acquittal and for a new trial.

Defendant previously requested that counsel be appointed to him under the Criminal Justice Act and he is represented by counsel appointed by the Court. He is not entitled to proceed both *pro se* and with the appointment of counsel. *See United States v. Garner*, 119 F.4th 571, 575 (8th Cir. 2024) (noting long-standing Eighth Circuit policy that when a party is represented by counsel, the Eighth Circuit will not accept *pro se* pleadings).

Now, therefore,

IT IS ORDERED that defendant's *pro se* motion, Doc. 252, for a judgment of acquittal and for a new trial is denied.

Dated this 20th day of November, 2024.

BY THE COURT:


CHARLES B. KORNMANN
U.S. District Judge